

House File 430

H-1061

1 Amend House File 430 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 232.69, subsection 1, unnumbered
5 paragraph 1, Code 2023, is amended to read as follows:

6 The classes of persons enumerated in [this subsection](#) shall
7 make a report within twenty-four hours and as provided in
8 section 232.70, of cases of child abuse. In addition, the
9 classes of persons enumerated in [this subsection](#) shall make a
10 report of abuse of a child ~~who is under twelve years of age and~~
11 ~~may make a report of abuse of a child who is twelve years of age~~
12 ~~or older~~, which would be defined as child abuse under section
13 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),
14 except that the abuse resulted from the acts or omissions of
15 a person other than a person responsible for the care of the
16 child.

17 Sec. 2. Section 232.69, subsection 1, paragraph b,
18 subparagraph (4), Code 2023, is amended to read as follows:

19 (4) A licensed school employee, certified para-educator,
20 holder of a coaching authorization issued under [section 272.31](#),
21 full-time school employee who is eighteen years of age or
22 older, or an instructor employed by a community college.

23 Sec. 3. Section 232.70, subsection 5, Code 2023, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. *Of.* If the person making the report is a
26 licensed school employee who reasonably believes the person
27 responsible for the injury is also a licensed school employee,
28 the identity of the licensed school employee the person making
29 the report believes is responsible for the injury.

30 Sec. 4. Section 256.9, Code 2023, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 66. a. Develop and implement a process
33 for the reporting and investigation of any incident that arises
34 that may reasonably lead to the conclusion that an individual
35 with a license, endorsement, certification, authorization, or

1 statement of recognition issued by the board of educational
2 examiners who is employed by the board of directors of a
3 school district, the authorities in charge of an accredited
4 nonpublic school, or the governing board of a charter school
5 has committed a felony or has engaged in conduct described in
6 section 272.15, subsection 1, paragraph "a", subparagraph (1),
7 subparagraph divisions (a) through (d).

8 *b.* The process shall prohibit the board of directors of a
9 school district, the authorities in charge of an accredited
10 nonpublic school, and the governing board of a charter school
11 from entering into any of the following:

12 (1) A written or oral agreement that prohibits the board
13 of directors of the school district, the authorities in charge
14 of an accredited nonpublic school, the governing board of
15 a charter school, an employee of the school district, the
16 accredited nonpublic school, or the charter school, or a
17 contractor of the school district, the accredited nonpublic
18 school, or the charter school from discussing an incident, past
19 performance or actions, past allegations leading to discipline
20 or adverse employment action, or employee resignation with any
21 governmental agent, governmental officer, or any potential
22 employer.

23 (2) A written or oral agreement that waives the liability
24 of an individual with a license, endorsement, certification,
25 authorization, or statement of recognition issued by the
26 board of educational examiners related to or arising from an
27 incident, past performance or action, or past allegations of
28 wrongdoing.

29 *c.* The board of directors of a school district, the
30 authorities in charge of an accredited nonpublic school, or
31 the governing board of a charter school, and contractors of
32 the school district, the accredited nonpublic school, or the
33 charter school shall be immune from any civil liability arising
34 from discussing an incident, past performance or actions,
35 past allegations leading to discipline or adverse employment

1 action, or employee resignation with any governmental agent,
2 governmental officer, or any potential employer.

3 *d.* If the board of educational examiners finds that the
4 board of directors of a school district, the authorities in
5 charge of an accredited nonpublic school, or the governing
6 board of a charter school has intentionally failed to follow
7 the process established by this subsection regarding an
8 incident, or the reporting requirements established pursuant
9 to section 272.15, the board of educational examiners shall
10 assess a fine against an administrator of the school district,
11 the accredited nonpublic school, or the charter school who
12 failed to ensure compliance with the process of not less than
13 five hundred dollars and not more than five thousand dollars.
14 Payments of the fine provided in this paragraph shall be
15 remitted to the treasurer of the state for deposit in the
16 general fund of the state.

17 *e.* If the board of educational examiners finds that the
18 board of directors of a school district, the authorities in
19 charge of an accredited nonpublic school, or the governing
20 board of a charter school has intentionally concealed, or
21 attempted to conceal from any governmental agent, governmental
22 officer, or potential employer a founded incident, or any
23 conduct required to be reported pursuant to section 272.15, the
24 board of educational examiners shall assess a fine against an
25 administrator of the school district, the accredited nonpublic
26 school, or the charter school who assisted in the concealment,
27 or attempted concealment, of an incident, or any conduct
28 required to be reported pursuant to section 272.15, of not more
29 than ten thousand dollars. Payments of the fine provided in
30 this paragraph shall be remitted to the treasurer of the state
31 for deposit in the general fund of the state.

32 Sec. 5. Section 256E.7, subsection 2, Code 2023, is amended
33 by adding the following new paragraphs:

34 NEW PARAGRAPH. *0j.* Be subject to and comply with the
35 requirements of section 280.33 relating to the reporting and

1 investigation of an incident involving the possible commission
2 of a felony by any person who has been issued a license,
3 endorsement, certification, authorization, or statement of
4 recognition by the board of educational examiners in the same
5 manner as a school district.

6 NEW PARAGRAPH. *00j.* Be subject to and comply with the
7 requirements of section 280.34 relating to the requirement
8 to view the board of educational examiners' public license
9 information prior to hiring an individual who has been issued
10 a license, endorsement, certification, authorization, or
11 statement of recognition by the board of educational examiners
12 in the same manner as a school district.

13 Sec. 6. Section 272.2, subsection 14, paragraph b,
14 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
15 to read as follows:

16 The person entered a plea of guilty to, ~~or~~ has been found
17 guilty of, or the board has found by a preponderance of the
18 evidence that the person committed, any of the following
19 offenses, whether or not a sentence is imposed:

20 Sec. 7. Section 272.2, subsection 15, Code 2023, is amended
21 to read as follows:

22 15. a. Adopt rules that require specificity in written
23 complaints that are filed by individuals who have personal
24 knowledge of an alleged violation and which are accepted by
25 the board, provide that the jurisdictional requirements as set
26 by the board in administrative rule are met on the face of the
27 complaint before initiating an investigation of allegations,
28 provide that any investigation be limited to the allegations
29 contained on the face of the complaint, provide for an adequate
30 interval between the receipt of a complaint and public notice
31 of the complaint, permit parties to a complaint to mutually
32 agree to a resolution of the complaint filed with the board,
33 allow the respondent the right to review any investigative
34 report upon a finding of probable cause for further action by
35 the board, require that the conduct providing the basis for

1 the complaint occurred within three years of discovery of the
2 event by the complainant unless good cause can be shown for
3 an extension of this limitation, and require complaints to be
4 resolved within one hundred eighty days unless good cause can
5 be shown for an extension of this limitation.

6 b. Adopt rules that require the collection and retention of
7 written complaints that are filed. If the board determines a
8 written complaint is not founded, the complaint and all records
9 related to the complaint shall be kept confidential and are not
10 subject to chapter 22.

11 c. Adopt rules that require the board to notify the public
12 when a licensed practitioner who is the subject of an ongoing
13 investigation initiated under paragraph "a" has a case pending
14 with a finding of probable cause. This paragraph shall not be
15 construed to require the board to disclose unfounded, closed
16 investigations initiated under paragraph "a".

17 d. Adopt rules that require the evaluation of complaints
18 that did not result in any discipline or sanction if similar
19 complaints are filed against the same licensed practitioner.

20 e. Adopt rules that require the board to investigate an
21 administrator who is employed by the school that employs a
22 licensed practitioner who is the subject of an investigation
23 initiated under paragraph "a". The rules shall require
24 the board to investigate whether the administrator filed a
25 written complaint pursuant to this subsection and whether the
26 administrator was required to report to the board pursuant to
27 section 272.15.

28 **Sec. 8. NEW SECTION. 280.33 Incidents related to licensed**
29 **practitioners — reporting and investigation.**

30 The board of directors of a school district and the
31 authorities in charge of each accredited nonpublic school shall
32 follow the process created by the department of education
33 pursuant to section 256.9, subsection 66, related to the
34 reporting and investigation of an incident involving the
35 possible commission of a felony by any person who has been

1 issued a license, endorsement, certification, authorization, or
2 statement of recognition by the board of educational examiners.

3 Sec. 9. NEW SECTION. **280.34 Requirement to view public**
4 **license information.**

5 Prior to hiring an individual who has been issued a license,
6 endorsement, certification, authorization, or statement of
7 recognition by the board of educational examiners, a school
8 district or an accredited nonpublic school, as applicable,
9 shall view the board of educational examiners' public license
10 information to determine if the individual has a case pending
11 with a finding of probable cause or any licensure sanction.
12 This section shall not be construed to require the board
13 of educational examiners to disclose unfounded, closed
14 investigations.>

15 2. Title page, line 3, by striking <school employees> and
16 inserting <licensed practitioners>

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